

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:
BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

STIPULATION AND SEVENTEENTH AMENDED CASE MANAGEMENT PLAN

Irving H. Picard (“Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the consolidated Chapter 7 Estate of Bernard L. Madoff, Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Defendants Ascot Fund Ltd., J. Ezra Merkin, and Gabriel Capital Corporation (“Defendants”) (collectively, “Parties”) by and through their respective, undersigned counsel (collectively, the “Parties”), state as follows:

WHEREAS, on February 21, 2017 this Court entered the Sixteenth Amended Case Management Plan (ECF No. 331) pursuant to Fed. R. Civ. P. 16(a)(4), as incorporated by Fed. R. Bank. P. 7016 (the “CMP”), which included a schedule for Pretrial Briefing and Disclosures.

WHEREAS, pursuant to the CMP, on March 10, 2017, the Parties exchanged their respective Preliminary Witness List.

WHEREAS, the Parties dispute whether certain witnesses were properly disclosed pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and Rule 7026 of the Federal Rules of Bankruptcy Procedure.

NOW, THEREFORE, in the interest of judicial efficiency, the Parties have conferred and agree and stipulate to the following:

1. The Parties agree to re-open fact-discovery for the limited purpose of deposing Ms. Meaghan Schmidt, Ms. Lauri Martin, and Mr. Leon Meyers.
2. The depositions shall be concluded by June 30, 2017.
3. Pretrial Briefing and Disclosures: The following shall be the amended schedule for Pretrial Briefing and Disclosures.
 - a. *April 28, 2017*:
 - i. Parties exchanged Witness Lists, Exhibits, and Deposition Testimony Designations related to the issue of Subsequent Transfers, unless previously disclosed.
 - b. *May 10, 2017*:
 - i. Parties exchanged Objections to any Exhibits and Deposition Testimony Designations disclosed on April 28, 2017.
 - ii. Parties exchanged Counter and Cross Deposition Testimony Designations for any testimony disclosed on April 28, 2017.
 - iii. Oppositions to Motions *in Limine* filed on April 7, 2017 were filed.

c. *May 17, 2017:*

- i. Motions *in Limine* related to the issue of Subsequent Transfers were filed.

d. *June 6, 2017:*

- i. Replies in support of Motions *in Limine* filed on April 7, 2017 shall be filed.
- ii. Oppositions to Motions *in Limine* filed on May 17, 2017 shall be filed.

e. *June 16, 2017:*

- i. Replies in support of Motions *in Limine* filed on May 17, 2017 shall be filed.

4. The parties shall file their Joint Pretrial Order and Trial Briefs by July 12, 2017.

5. Final Pretrial Conference: The final pretrial conference will be held on Tuesday, July 18, 2017 at 2:00 pm before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408.

6. Trial: Trial shall commence on a date to be determined before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408.

Dated: May 19, 2017
New York, New York

/s/ David J. Sheehan

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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

/s/ Judith A. Archer

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*Attorneys for Ralph C. Dawson, Esq., as
Receiver for Defendant Ascot Partners, L.P., and
for Ascot Fund Limited*

SO ORDERED.

Dated: May 22nd, 2017
New York, New York

/s/ Neil A. Steiner

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*Attorneys for Defendants J. Ezra Merkin
and Gabriel Capital Corporation*

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
United States Bankruptcy Judge